THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO. 29483 OF 1997

DATE: 5-3-2007

Between:

Smt.K.Chandrakala … Petitioner

And

1. The Addl. Industrial Tribunal-cum-
Addl. Labour Court, Hyderabad and
Another …. Respondents

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WRIT PETITION NO. 29483 OF 1997

ORDER:

Aggrieved by the award of the Additional Industrial Tribunal-cum-Addl. Labour Court, Hyderabad in I.D.No.550 of 1993 dated 15.12.1994, the petitioner – workman has approached this Court.

The petitioner – workman contended before the Addl. Industrial Tribunal that since he was employed in the respondent – hospital during the N.G.Os. strike in 1986 he was entitled for preference in employment. While the petitioner asserts that he worked in the respondent – hospital during the strike period, respondents denied the same. The Addl. Industrial Tribunal held that there was no evidence that the petitioner had worked in the hospital and that the petitioner's deposition in this regard could not be accepted. The Addl. Industrial Tribunal further held that Ex.M.3 proceedings of the Superintendent of the respondent – hospital appointing persons mentioned in the Ex.M.4 list, for the period from 1.12.1986 till the end of the strike, did not contain the name of the petitioner in the list and that wages of persons mentioned in Ex.M-4 list were drawn by Ex.M-5 bill. Taking note of the fact that the evidence let in by the respondent – hospital clearly established that the petitioner was not employed by the respondent – hospital, the Tribunal passed an award holding that the petitioner was not entitled to the any relief.

Sri A.K.Jayaprakash Rao, learned counsel for the petitioner, would contend that the only benefit which an employee engaged during the strike period could get is preference in the matter of employment and since it is always open to the Government to consider grant of the preferential treatment, the award of the Addl. Industrial Tribunal should not be construed as precluding the

Government from giving priority to the petitioner.

It is only in cases where there is an error apparent on the face of the award or the findings of the Tribunal/Labour Court are based on no evidence or are perverse, would this Court be justified, in certiorari proceedings, in interfering with the matter. The Addl. Industrial Tribunal has recorded a finding that there is no evidence on record to show that the petitioner had worked with the respondent – hospital, much less during the strike period. This finding recorded by the Tribunal is based on the evidence on record and does not necessitate interference. While exercising its Certiorari jurisdiction this Court is concerned only with the award of the Tribunal and not any matter extraneous thereto. Since the findings recorded therein are based on evidence on the record, I see no reason to interfere with the award of the Additional Industrial Tribunal. The writ petition fails and is accordingly dismissed. No costs.

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5-3-2007

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